

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

ANTHONY ANDERSON,

Petitioner,

v.

ACTION NO. 2:13-cv-223

HAROLD W. CLARKE, Director,
Virginia Department of Corrections,

Respondent.

FINAL ORDER

Before the Court is a Petition for a Writ of Habeas Corpus (ECF No. 1) filed pursuant to 28 U.S.C. § 2254, and the Respondent's Motion to Dismiss (ECF No. 10). In his Petition, the *pro se* Petitioner alleges violations of his constitutional rights in relation to his 1985 convictions in the Circuit Court for the County of Chesterfield for murder, two counts of robbery, and using a firearm in the commission of murder and robbery. As a result of his convictions, he was sentenced to an active period of incarceration for seventy years in the Virginia state penitentiary.

The matter was referred for disposition to a United States Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(B)-(C), Federal Rule of Civil Procedure 72(b), Local Civil Rule 72, and the April 2, 2002 Standing Order on Assignment of Certain Matters to United States Magistrate Judges. In a Report and Recommendation entered on February 11, 2014, the Magistrate Judge recommended that the Motion to Dismiss be granted and that the Petition be denied and dismissed with prejudice. The parties were advised of their right to file written objections to the Report and Recommendation.

On February 28, 2014, the Court received Petitioner's objections. Respondent has elected to waive any response to these objections, and the time to do so has expired.


Having reviewed the record and Petitioner's objections, and having made *de novo* findings with respect to the portions objected to, this Court agrees with the Report and Recommendation on the grounds stated by the Magistrate Judge and **ADOPTS** and **APPROVES** the Report and Recommendation (ECF No. 14) in its entirety as the Court's own opinion. Accordingly, the Court **GRANTS** the Respondent's Motion to Dismiss (ECF No. 10). It is, therefore, **ORDERED** that the Petition (ECF No. 1) is **DENIED** and **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that judgment be entered in favor of the Respondent.

The Petitioner is hereby notified that he may appeal from the Judgment entered pursuant to this Final Order by filing a *written* notice of appeal with the Clerk of the Court at the Walter E. Hoffman United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty days from the date Judgment is entered. Because the Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b)(1), the Court declines to issue a certificate of appealability. *See Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003).

The Clerk is **DIRECTED** to forward a copy of this Order to the Petitioner and to counsel of record for the Respondent.

It is so **ORDERED**.

Date: *March 24, 2014*
Norfolk, Virginia



Arenda L. Wright Allen
United States District Judge